

JOINT COMMITTEE ON ADMINISTRATIVE RULES

ILLINOIS GENERAL ASSEMBLY

CO-CHAIR:
SEN. DON HARMON

CO-CHAIR:
REP. KEITH WHEELER

EXECUTIVE DIRECTOR:
VICKI THOMAS



700 STRATTON BUILDING
SPRINGFIELD, ILLINOIS 62706
217/785-2254

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SEN. KAREN McCONNAUGHAY
SEN. TONY MUÑOZ
SEN. IRA SILVERSTEIN
SEN. CHUCK WEAVER
REP. PETER BREEN
REP. TOM DEMMER
REP. GREG HARRIS
REP. LOU LANG
REP. ANDRÉ THAPEDI

MINUTES

October 17, 2017

MEETING CALLED TO ORDER

The Joint Committee on Administrative Rules met on Tuesday, October 17, 2017 at 11:00 a.m. in the 5th floor auditorium of the Michael A. Bilandic Building, Chicago IL.

Co-Chair Wheeler called the meeting to order and announced that the policy of the Committee is to allow only representatives of State agencies to testify orally on any rule under consideration at Committee meetings. Other persons are encouraged to submit their comments to the JCAR office in writing. Co-Chair Wheeler welcomed Senator Althoff back to JCAR.

ATTENDANCE ROLL CALL

X Senator Pamela Althoff	X Representative Peter Breen
X Senator Don Harmon	X Representative Tom Demmer
X Senator Karen McConnaughay	X Representative Greg Harris
X Senator Tony Muñoz	X Representative Lou Lang
X Senator Ira Silverstein	X Representative André Thapedi
Senator Chuck Weaver	X Representative Keith Wheeler

APPROVAL OF THE MINUTES OF THE SEPTEMBER 12, 2017 MEETING

Representative Demmer moved, seconded by Representative Harris, that the minutes of the September 12, 2017 meeting be approved. The motion passed unanimously.

REVIEW OF AGENCY RULEMAKING

Department of Revenue – Taxpayer Rights (86 Ill. Adm. Code 205; 41 Ill. Reg. 10328)

Senator McConnaughay moved, seconded by Representative Thapedi, that the Department of Revenue be more timely in its implementation of statute in rule. The Public Act that repealed the position of Taxpayer Ombudsman, PA 87-860, was effective on July 1, 1992. The motion passed unanimously (11-0-0).

CONSIDERATIONS OF OTHER RULEMAKING

Illinois Commerce Commission – Certification for New Utility-Scale Wind and Solar Installers (83 Ill. Adm. Code 461; 41 Ill. Reg. 6776); and Certification for Energy Efficiency Installers (83 Ill. Adm. Code 462; 41 Ill. Reg. 6778)

Co-Chair Harmon, with respect to the open-ended (statutory) provision in these rulemakings that allows an installer to be certified after an installation is completed, said that JCAR believes the intent was to deal with the gap period between the passage of the bill and the effective date so that work in progress wouldn't be put off until the rules were in place and certification had been obtained. But the provisions are still open-ended because of the statute. Are there consequences in place if the certification is not obtained?

Matthew Harvey, ICC General Counsel's Office: The utility would have great difficulty recovering the costs, which would be a significant impediment.

Co-Chair Harmon asked if the Commission has authority to enact disclosure language so that consumers will know whether the installers they are hiring are certified.

Mr. Harvey: Nothing in the statute specifically gives ICC that authority. The certification process is now in place under the emergency rules that expire on 10/27/17 and that this package of proposed rulemakings will replace the emergency.

Co-Chair Harmon: So people can get certified today, but we still have to figure out how to deal with that gap period created by the statute?

Mr. Harvey: Yes.

Co-Chair Harmon: ICC should consider whether it has general authority for consumer education that would allow it to inform consumers of whether an installer is certified. Or is there some way to impose a specific time period under the current statute? Mr. Harvey: ICC Staff will carefully review the statute to determine whether either of these proposals could be accommodated.

Rep. Thapedi: Expressed amazement that the 2 MW cutoff between utility-scale projects and non-utility-scale projects is so high. He opined that 1.5 MW seems like a pretty big project for a do-it-yourselfer to be working on.

Mr. Harvey: Agreed, but noted that this definition was created in statute.

Representative Thapedi: Expressed interest in filing a trailer bill to help ICC work out some of these issues, especially with respect to low-income solar projects.

Illinois State Board of Education – Agricultural Education Program (23 Ill. Adm. Code 75; 41 Ill. Reg. 7481)

Lindsay Bentivegna, Rules Coordinator, represented SBE. Co-Chair Harmon said that he understood that there were some concerns about how a full-time teacher is defined, and that SBE had agreed to flesh out this definition. Ms Bentivegna confirmed that this was the case.

Illinois State Board of Education – Educator Licensure (23 Ill. Adm. Code 25; 41 Ill. Reg. 8310)

Co-Chair Harmon asked for explanation of SBE's removal of the requirement that the teaching experience required for endorsement as a principal be accumulated while a professional educator license (PEL) is held. Ms Bentivegna explained that some teachers in private schools have not been required to have a PEL to teach, but confirmed that there is no way that someone can receive the principal endorsement without at least 4 years of teaching experience.

CERTIFICATION OF NO OBJECTION

Representative Lang moved, seconded by Senator Muñoz, that the Committee inform the agencies to whose rulemakings the Committee did not vote an Objection or Extension, or did not remove from the No Objection List, that the Committee considered their respective rulemakings at the monthly meeting and, based upon the agreements for modification of the rulemakings made by the agencies, no Objections will be issued. The motion passed unanimously (11-0-0).

ANNOUNCEMENT OF NOVEMBER MEETING DATE

Co-Chair Wheeler announced that the next JCAR meeting would be held at 11:00 a.m. on Tuesday, November 7, 2017, in Room A-1 of the Stratton Office Building, Springfield IL.

ADJOURNMENT

Senator Althoff moved, seconded by Representative Breen, that the meeting stand adjourned. The motion passed unanimously.

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